



cf

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,037,700)	Serial No. 10/631,958
)	
Inventor(s): Sophia KOSSIDA <i>et al</i>)	Filed: August 1, 2003
)	
Issue Date: May 2, 2006)	Attorney Docket No. 004974.00951

For: REGULATION OF HUMAN CERAMIDE KINASE

REQUEST FOR CERTIFICATE OF CORRECTION

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop: Certificate of Correction Branch
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, please issue a Certificate of Correction in the above-identified patent to correct the filing date and a typographical error in claim 1. Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves one page.

The mistakes identified in the appended Form occurred through no fault of the Applicants, as clearly disclosed by the records of the application that matured into this patent. Enclosed is the Utility Patent Application Transmittal filed August 1, 2003 and the Petition Decision mailed November 8, 2004 which indicates a filing date of August 1, 2003. Also enclosed is a copy of the Examiner's Amendment which indicates the correction to claim 1.

No fee is believed to be associated with this request. Nonetheless, if a fee is required, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: July 19, 2006

1001 G Street, N.W. (11th Fl.)
Washington, D.C. 20001
(202) 824-3000

By: *Lisa M. Hemmendinger*
Lisa M. Hemmendinger
Registration No. 42,653

Certificate
JUL 21 2006
of Correction

JUL 21 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 7,037,700
DATED: May 2, 2006
INVENTOR(S): Sophia KOSSIDA *et al*

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, Filed section (22):
Please replace "Dec. 19, 2003" with --Aug. 1, 2003--

In Column 71, Claim 1, Line 4:
Please remove "and"

Mailing Address of Sender:

Banner & Witcoff, Ltd.
11th Floor
1001 G Street, N.W.
Washington, DC 20001-4597

FORM PTO 1050 (Rev.2-93)

U.S. PAT. NO 7,037,700

No. of add'l copies
@ \$0.50 per page

□

JUL 21 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 7,037,700
DATED: May 2, 2006
INVENTOR(S): Sophia KOSSIDA *et al*

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On the cover page, Filed section (22):
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Banner & Witcoff, Ltd.
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1001 G Street, N.W.
Washington, DC 20001-4597

FORM PTO 1050 (Rev.2-93)

U.S. PAT. NO 7,037,700

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☐

JUL 21 2006

08/01/03
15915 U.S. PTO

Please type a plus sign (+) inside this box

MODIFIED PTO/SB/US (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 004974.00951

First Inventor Sophia Kossida

Title Regulation of Human Ceramide Kinase

Express Mail Label No.



APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification (Total Pages 104)
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) (Total Sheets 8)
- a. ☒ Formal; or
- b. ☐ Informal
5. Oath or Declaration (Total Pages)
- a. ☐ Newly executed (original or copy); or
- b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Request to Use a Computer Readable Form of a Sequence Listing from Another Application

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of prior application No: 09 / 969,896

Prior application information: Examiner M. Monshipouri

Group / Art Unit: 1652

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

22907

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Lisa M. Hemmendinger

Registration No. (Attorney/Agent)

42,653

Signature

Lisa M. Hemmendinger

Date

August 1, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

The PTO did not receive the following listed item(s) Placed p2 of Drawing



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov



BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

COPY MAILED

NOV-08-2004

In re Application of
Kossida, et al.
Application No. 10/631,958
Filed: August 1, 2003
Attorney Docket No. 004974.00951

: **OFFICE OF PETITIONS**
:
: **DECISION GRANTING PETITION**
:
:

This is a decision on the petition filed September 17, 2004, to correct the application filed date from the currently accorded date of December 19, 2003, to August 1, 2003.

On August 1, 2003, the application was deposited.

On October 22, 2003, the Office of Initial Patent Examination mailed the Notice stating a filing date had been accorded the application, but that the oath or declaration and filing fee were missing. The Notice also indicated that Figures 1 and 2 as described in the specification appeared to have been omitted. With respect to the omitted figures, the Notice allowed a non-extendable period for reply of two months from its mailing date. On December 19, 2003, petitioner filed a response to the Notice and alleged the Figures 1 and 2 did accompany the original application papers, but, even if the figures were not located, the application was complete on filing because the application incorporated a prior application in its entirety. because drawings did not accompany the original disclosure. Obviously seeing only the omitted figures, the Office of Initial Patent Examination changed the filing date accorded the application from August 1, 2003, to December 19, 2003.

It has been determined that drawings are not, in fact, necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claims 16, 18, 21, 24, 33, 38, 41, 57, 66, 73, and 74 are method claims. The present application is, therefore, deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, was entitled to the filing date of August 1, 2003.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of August 1, 2003. Prior to the first action on the merits, petitioner should file a preliminary amendment requesting entry of Figures 1 and 2. The Office of Initial Patent Examination will issue a corrected filing receipt.



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 19 2006

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

22907

7590

09/27/2005

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

MONSHIPOURI, MARYAM

ART UNIT

PAPER NUMBER

1653

DATE MAILED: 09/27/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,958	12/19/2003	Sophia Kossida	004974.00951	3681

TITLE OF INVENTION: REGULATION OF HUMAN CERAMIDE KINASE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	12/27/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Notice of Allowability



Application No.

10/631,958

Examiner

Maryam Monshipouri

Applicant(s)

KOSSIDA ET AL.

Art Unit

1653

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 10,12,13,14 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date filed 8/1/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/14/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

505

Art Unit: 1653

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Ms. Lisa M. Hemmendinger, on 9/15/2005.

Examiner's Amendment to the Claims

Cancel claims 11 and 15.

In claim 10, line 2, after "consisting of " delete "(a) ".

In claim 10, line 2, after "SEQ ID NOS:", delete "2".

~~In claim 10, lines 2-3, delete "and (b) biologically active variants thereof ".~~

In claim 14, line 2, after "consisting of " delete "(a) ".

In claim 14, line 3, after "SEQ ID NOS:", delete "2".

In claim 14, after "10," , delete "or", and substitute therefor — and —.

In claim 14, line 3, delete "and (b) biologically active variants thereof".

In claim 23, line 3, after "SEQ ID NOS:", delete "2".

In claim 23, line 2, after "consisting of " delete "(a) ".

In claim 23, line 3, after "11", delete ", and (b) biologically active variants thereof".

In claim 23, line 6, delete " claim 21' and substitute therefor — detecting said polypeptide comprising the steps of: contacting a biological sample with said antibody to form a reagent –polypeptide complex; and